

**REMARKS****Amended Claims**

Claims 8, 10, 13 and 16 are amended.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 8, 10, 13 and 16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8, 10, 13 and 16 have been amended to overcome the rejection under 35 U.S.C. §112, second paragraph, in particular, claims 8, 10, 13 and 16 have been amended to specify that the similar imaging devices share a common configuration, firmware, software, or supplemental information to clarify what is claimed. Applicant contends that the amendments are supported by the specification at Paragraphs [0004] and [0028] and therefore do not constitute new matter. The Applicant therefore respectfully requests that the rejection of claims 8, 10, 13 and 16 under 35 U.S.C. § 112, second paragraph be withdrawn.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Johnson et al. (U.S. Pub. No.2003/0086107). Applicant respectfully traverses this rejection. Applicant reserves the right to swear behind the reference Johnson et al., but submits that claims 1-20 are allowable for the following reasons.

Applicant respectfully maintains that Johnson et al. discloses an imaging system where the interpretation and formatting control programs (formatting firmware) for interpreting the high-level page description language (PDL) image data of the individual print jobs is not stored locally in non-volatile memory on the individual imaging devices, but is requested by the imaging devices upon initialization across the network from a network host. Johnson et al. specifically states that the formatting firmware is requested from a network host, defined as a personal computer, workstation or network server and not a second imaging device (*See*, Johnson et al. Paragraph 0024, lines 7-13), at each initialization of the device and is not stored locally in the imaging device's non-volatile memory (*See*, Johnson et al. Abstract, Paragraphs 0009 and 0023). Johnson et al. also states that what is loaded across the network is formatting firmware for temporary storage in DRAM and this formatting firmware does not affect the network configuration of the remote imaging device (*See*, Johnson et al.

Paragraph 0009, Lines 7-8, Paragraph 0023, Lines 4-7, Paragraphs 0028 and 0030).

Applicant therefore respectfully submits that Johnson et al. fails to teach or disclose an image device that requests a device configuration from a second imaging device across a network.

As such, Johnson et al. fails to teach or disclose all elements of claims 1-20. *See*, Johnson et al., Abstract; Figures 1-4; Paragraphs 0023-0025, Paragraphs 0027-0030, and Paragraphs 0031-0034.

Applicant also notes that Johnson et al. is commonly assigned with the Present Application and qualifies only as prior art under 35 U.S.C. § 102(e) and as such cannot be utilized as prior art in support of an obviousness rejection under 35 U.S.C. § 103(c).

Applicant's claim 1 recites, in part, "wherein the processing facility is adapted to request a device configuration from a second imaging device through the network interface in response to receiving an external upgrade command and a network location of the second imaging device." As detailed above, Applicant submits that Johnson et al. fails to teach or disclose such an imaging device that requests a device configuration from a second imaging device across a network. As such, Johnson et al. fails to teach or disclose all elements of independent claim 1.

Applicant's claim 6 recites, in part, "directing the second imaging devices to update their device configuration using the device configuration of the first imaging device in a manner selected from the group consisting of: retrieving the device configuration from the first imaging device, storing the device configuration of the first imaging device in a storage location, and directing each of the second imaging devices to retrieve the device configuration of the first imaging device from the storage location; and directing each of the second imaging devices to retrieve the device configuration from the first imaging device." As detailed above, Applicant submits that Johnson et al. fails to teach or disclose such a computer-usable medium having computer-readable instructions stored thereon for execution by a processor to perform a method that requests a device configuration from a second imaging device across a network. As such, Johnson et al. fails to teach or disclose all elements of independent claim 6.

Applicant's claim 8 recites, in part, "defining a list of similar imaging devices connected to the network, wherein the similar imaging devices share a common configuration, firmware, software, or supplemental information; defining a network location associated with desired device configuration for the list of similar imaging devices; and directing each imaging device of the list of similar imaging devices to retrieve the device configuration from the network location." As detailed above, Applicant submits that Johnson et al. fails to teach or disclose such a method of updating device configuration for imaging

devices connected to a network that requests a device configuration from a second imaging device across a network. As such, Johnson et al. fails to teach or disclose all elements of independent claim 8.

Applicant's claim 15 recites, in part, "receiving an external upgrade command and a network location associated with a desired device configuration for the imaging device; and retrieving the desired device configuration from the network location." As detailed above, Applicant submits that Johnson et al. fails to teach or disclose such a method of upgrading an imaging device that requests a device configuration from a network location. As such, Johnson et al. fails to teach or disclose all elements of independent claim 15.

Applicant respectfully contends that claims 1, 6, 8 and 15 as pending have been shown to be patentably distinct from the cited reference. As claims 2-5, 7, 9-14, and 16-20 depend from and further define claims 1, 6, 8 and 15, respectively, they are also considered to be in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of claims 1-20.

### **CONCLUSION**

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2207.

Respectfully submitted,

Date: \_\_\_\_\_

10/11/05



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